REMARKS

The Official Action dated November 2, 2007 has been received and its contents carefully noted. In view thereof, claim 1 has been amended in order to better define that which Applicants regard as the invention. As previously, claims 1-7 are presently pending in the instant application.

Initially, filed concurrently herewith is a new Reissue Application Declaration signed by the Assignee wherein language with respect to the error in the original Letters Patent is described in detail as requested by the Examiner. Specifically, the Reissue Application Declaration executed by the Assignee recites that they verily believe the original patent to be wholly or partially inoperative or invalid by reason of the patentee claiming more or less than he had a right to claim in the patent. More specifically, the error referred to is the recitation of "wherein an edge portion of the capacitor electrode is formed onto the protective insulating film" set forth in column 15, lines 11-12 which has been deleted as such recitation unduly narrowed the scope of the issued claim based on the prior art. Further, the recitation of the word "direct" before "connection" in column 15, line 19 has likewise been deleted as such recitation unduly narrowed the scope of the issued claim based on the prior art. The Assignee goes on to state that all errors corrected in the Reissue Application arose without any deceptive intention on the part of the Applicant. Consequently, with the submission of Substitute Reissue Declaration executed by the Assignee, it is respectfully submitted that the present application is now in proper formal condition for allowance.

With respect to the rejection of claims 1-7 and particularly that of independent claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,644,151 issued to Izumi et al. in view of the teachings of U.S. Patent No. 6,121,648 issued to Evans, Jr., as can be seen from the foregoing amendments, independent claim 1 has been amended in order to

clearly distinguish the present invention from that of the proposed combination. Specifically, independent claim 1 has been amended to recite a semiconductor device comprising a protective insulating film deposited on a semiconductor substrate having first and second field-effect transistors formed thereon, a capacitor composed of a capacitor lower electrode, a capacitor insulating film made of an insulating metal oxide, and a capacitor upper electrode which are formed in upwardly stacked relationship on the protective insulating film; a first contact plug formed in the protective insulating film to provide a direct connection between an impurity diffusion layer serving as a source or drain region of the first field-effect transistor and the capacitor lower electrode, a second contact plug formed in the protective insulating film to provide a connection between an impurity diffusion layer serving as a source or drain region of the second field-effect transistor and the capacitor upper electrode, and a hydrogen barrier film entirely covering the capacitor upper electrode, wherein the first contact plug includes materials different from materials composing the capacitor lower electrode, and the second contact plug includes materials different from materials composing the capacitor upper electrode. It is respectfully submitted that the combination proposed by the Examiner clearly fails to disclose or remotely suggest these particular features.

In reviewing the teachings of Izumi et al. and Evans, Jr., it is noted that neither of these references disclose a contact plug, even in its broadest sense, which includes materials different from materials composing the capacitor lower electrode and a second contact plug which includes materials different from materials composing the capacitor upper electrode. Specifically, Izumi et al. discloses a structure wherein the parts which the Examiner has considered as the first contact plug and the second contact plug serve concurrently as the capacitor lower electrode 7 and the capacitor upper electrode 11, respectively. Accordingly, even in the broadest sense and the broadest interpretation given by the Examiner, the first

contact plug and the second contact plug are respectively composed of the same materials as the capacitor lower electrode 7 and the capacitor electrode 11, respectively. With the teachings of Izumi et al., it is impossible for the materials to be different from one another.

As to the teachings of Evans, Jr., this reference fails to include a second contact plug. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well as those claims which depend therefrom clearly distinguish over the combination proposed by the Examiner and are in proper condition for allowance.

With respect to the rejections of claims 2-7, based on the several secondary references, it is submitted that these references likewise fail to disclose or remotely suggest that which is presently set forth by Applicants' claimed invention. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well as those claims which depend therefrom, clearly distinguish over the combinations proposed by the Examiner and are in proper condition for allowance.

Therefore, in view of the foregoing that it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, thet the reissue declaration be reviewed and accepted by the Examiner, that claims 1-7 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,

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